IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	**Criminal No. 1:15-cr-293**
	)	**Civil Action No. 1:17-cv-88**
WAYNE SHELBY SIMMONS	)	

ORDER

The matter is before the Court on defendant Wayne Shelby Simmons' objection to the government's request for an extension of time to respond to defendant's 28 U.S.C. § 2255 motion. (Doc. 141). The government was initially required to respond to defendant's motion by February 27, 2017, and defendant was required to file any reply brief by March 27, 2017. (Doc. 132). The government filed a motion for extension of time on February 23, 2017, which was granted. (Doc. 134). As a result, the government was required to file its response by March 20, 2017, and defendant was given until April 17, 2017 to file its reply. Defendant then filed an objection to the government's motion for an extension on March 27, 2017 on the grounds (i) that the government misrepresented in its motion that defendant did not object to the government's motion and (ii) that the government failed to provide a copy of the motion to defendant. Defendant also requests that the government be sanctioned for its conduct.

Defendant received an extension of time for filing a reply brief to the government's response, and accordingly has suffered no disadvantage or prejudice as a result of the government's motion. As a result, the extension of time was appropriate, and sanctions are unwarranted.

Accordingly, and for good cause,

It is hereby **ORDERED** that defendant's objection to the government's motion for an extension of time is **OVERRULED**.

The Clerk is directed to send a copy of this Order to defendant and all counsel of record.

Alexandria, Virginia
March 28, 2017

/s/
T. S. Ellis, III
United States District Judge